

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

RUBY CARR,

Plaintiff,

v.

STATE OF ALABAMA DEPARTMENT
OF YOUTH SERVICES, et al.,

Defendants.

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CASE NO.: 2:07-cv-532-MHT

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**MOTION TO EXTEND DEADLINES AND
CONTINUE TRIAL FOR 60 DAYS**

COME NOW the Defendants, by and through the undersigned counsel, and hereby move the Court to extend the deadlines and trial date by sixty (60) days. As grounds, the Defendants state as follows:

1. This is a Title VII case against five (5) defendants, including the Attorney General for the State of Alabama and General Counsel for the Alabama Dept. of Youth Services, arising out of the termination of the Plaintiff's employment from the Dept. of Youth Services in June 2006. In her Complaint, as amended, the Plaintiff asserts numerous causes of action, including causes under Title VII, §1981, §1983, and Breach of Contract, against a host of defendants. On January 28, 2008, the Defendants filed a Motion to Dismiss (Doc. 24), which advanced numerous substantive and procedural arguments in support of dismissal of the Complaint, as amended. The issues in this motion have been fully briefed by the parties. Because this motion remains pending, the parties are generally unsure of which claims, if any, will survive a ruling on the motion. Indeed, as of this date, the Defendants have yet to file an Answer.

2. Pursuant to this Court's Scheduling Order (Doc. 13), as amended (Doc. 33), this matter is set for trial on September 8, 2008, with a pretrial conference on August 11, 2008 and a dispositive motion deadline of July 31, 2008.

3. The undersigned counsel was recently retained by the State of Alabama to enter an appearance in this case and defend the interests of the Defendants, with former counsel entering a notice of withdrawal shortly. Because of the stage in this litigation, it will take additional time for the undersigned counsel to familiarize himself with all of the issues in the case, meet with the clients, prepare the appropriate pleadings for the Court, etc.

4. Moreover, the dispositive motion deadline is July 31, 2008. The Defendants, through the undersigned counsel, believe that there are additional defenses and arguments that should be asserted by way of dispositive motion.

5. An additional 60 days will allow the undersigned counsel to properly prepare this case for trial, provide the Court with a supplemental motion, and will allow the Court additional time to consider the parties' briefs and filings so as to determine which claims, if any, move forward.

6. The undersigned further represents to the Court that he already has two other trials scheduled for September 8, 2008, one of which is another Title VII case before this Court:

A. Annie L. Brown v. Alabama Public Library Service, M.D. Ala., Case No. 2:07-cv-841-MHT (filed 9/17/07).

B. Daniel Caldwell, et al. v. Green Tree-AL LLC, et al., Circuit Court of Tallapoosa County, Alabama, Case No. 2007-0036 (filed 3/29/07).

The Brown case will try, absent a summary judgment ruling by the Court in the Defendant's favor. The Caldwell case will try as well.

7. The undersigned has consulted with counsel for the Plaintiff, Ruby Carr, and counsel agrees to a 60 day continuance.

WHEREFORE the Defendants respectfully request that this matter be continued for 60 days,

/s/ R. Austin Huffaker, Jr.
R. AUSTIN HUFFAKER, JR.
ASB-3422-F55R
Attorney for Defendants
Dept. of Youth Services, J. Walter
Wood, Troy King, T. Dudley Perry,
Tracy Smitherman

OF COUNSEL:

**RUSHTON, STAKELY, JOHNSTON
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CERTIFICATE OF FILING

I hereby certify that on July 22nd, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Guy D. Chappell, III, Esq.
Frederic A. Bolling, Esq.
H. Lewis Gillis, Esq.
Roslyn Crews, Esq.
T. Dudley Perry, Jr., Esq.
E. Diane Gamble, Esq.
Mark S. Boardman, Esq.

/s/ R. Austin Huffaker, Jr.
OF COUNSEL